

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 4:18CR470
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
v.)	
)	
RONALD WOOTEN,)	<u>GOVERNMENT'S SENTENCING</u>
)	<u>MEMORANDUM</u>
Defendant.)	

Now comes the United States of America, by and through its counsel, United States Attorney Justin E. Herdman, and Assistant United States Attorney James P. Lewis, submitting this sentencing memorandum. For the reasons stated below, the Government recommends that the Court impose a sentence within the advisory Guidelines range of 30 to 37 months, followed by a term of supervised release for five years.

I. Wooten's History and Characteristics

Wooten is a prime example of why enforcing the Sex Offender Registration and Notification Act ("SORNA") is critical. He has two prior convictions for committing sex crimes against children, with one conviction involving six and seven year old victims, and the other conviction involving a nine year old victim. (R. 14: PSR, PageID 49–50). Wooten committed his second sex offense in 2003, while he was on probation for the first offense. (*Id.*). Since committing the 2003 sex offense, Wooten has accumulated three state convictions for failing to register as a sex offender, with the most recent conviction occurring in November 2016. (*Id.* at PageID 50–51). Wooten has been pending a new criminal case for failing to register as a sex offender in Indiana since October 2017. (*Id.*, PageID 52). Wooten also has five prior probation

or parole violations, and has been pending a sixth probation violation since May 2017. (*Id.*, PageID 49–51).

In short, Wooten’s history shows a repeated pattern of failing to abide by the law and the conditions of his probation or parole.

II. Nature and Circumstances of the Offense

Wooten has been required to register as a sex offender since at least 2003. (*Id.*, PageID 47). In this case, Wooten moved from Indiana to Ohio in May 2018 without notifying any authorities. (*Id.*) On July 20, 2018, U.S. Marshals deputies located Wooten at 106 Chambers Street in Campbell, Ohio, where he had been living with his partner. (*Id.*). The deputies arrested Wooten on an outstanding Indiana warrant for failing to register his change of address. (*Id.*). 106 Chambers Street is a residential house located approximately 1.1 miles from Campbell Middle School, and approximately 1.5 miles from Struthers Elementary School.¹

The Government submits that Wooten’s conduct endangered the welfare of families with children living in that Campbell neighborhood, since they had no notice about a convicted sex offender moving into the area. This risk to others in the neighborhood was only increased by Wooten actively using crack, marijuana and heroin when the Marshals found him. (*Id.*, Page ID 54).

III. Respect for the Law, Promoting Deterrence, Protecting the Public, and Rehabilitation

On the issues of respect for the law, deterrence, and protecting the public, Wooten has three prior convictions for failing to register as a sex offender. (R. 14: PSR, PageID 50–51).

¹ The Government has attached images from Google Maps, which calculate distances as the crow flies.

The longest sentence Wooten received for any of those three convictions was 180 days. (*Id.*). Further, at the time Wooten committed the SORNA offense in this case, he was on probation for failing to register as a sex offender and was pending a new state charge for the same offense. (*Id.*, PageID 51–52). None of this deterred Wooten from moving to another state and failing to notify authorities.

As to rehabilitation, Wooten’s substance abuse and mental health problems warrant conditions of supervised release that include screening and treatment. They do not, however, warrant a lesser prison sentence. The harm in this case came from Wooten, a convicted sex offender, traveling into another state without giving the public any type of notice. The fact that Wooten did this while using marijuana, crack, and heroin only aggravated the harm and the risk to the public.

IV. Conclusion

For the above reasons, the Government recommends that the Court impose a sentence within the Guidelines range of 30 to 37 months, followed by a term of supervised release for five years.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of January 2019 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ James P. Lewis

James P. Lewis

Assistant U.S. Attorney